

### REMARKS

Claims 1-22 are pending. By this amendment, Claims 1, 3, 10, 11, 19, and 22 are amended for clarification purposes only and not for any reason related to patentability. The preamble of Claim 19 is further amended to clearly indicate that the claimed subject matter is directed to statutory subject matter.

Applicants respectfully request reconsideration of the Application in view of the remarks contained herein.

#### *Objections to the Specification*

The Specification is objected to for minor informalities contained therein. The Specification is amended, responsive to the objection. Consequently, Applicants respectfully request withdrawal of the objection.

#### *Objections to the Claims*

Claims 1, 2, 4, 10, 11, 13, 19, and 22 are objected to for containing minor informalities therein. Responsive to the objection, Applicants have amended Claims 1, 2, 4, 10, 11, 13, 19, and 22 for clarification purposes only and not for any reason related to patentability.

Accordingly, Applicants respectfully request withdrawal of the objection.

#### *Claim Rejections - 35 U.S.C. § 101*

Claims 10-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants respectfully traverse the rejection.

M.P.E.P. § 2106(IV)(B)(1)(a) states, in relevant part, “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” Further, “a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus

statutory.” *Id.* Further, “[w]hen a computer program is recited in conjunction with a physical structure, such as a computer memory, Office personnel should treat the claim as a product claim. *Id.*

Therefore, Applicants respectfully submit that Claims 10-21 are directed to statutory subject matter for at least these reasons. Accordingly, Applicants respectfully request withdrawal of the rejection.

### ***Claim Rejection - 35 U.S.C. §§ 102 and 103***

Claims 1, 5-10, and 14-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,006,216 to Griffin et al. (“Griffin”). Claims 2-4 and 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Griffin in view of U.S. Patent No. 6,484,309 to Nowlin, Jr. et al. (“Nowlin”). Applicants respectfully traverse the rejections.

The Office Action asserts that Griffin teaches storing entries corresponding to database instructions in at least one of the source table and the target table, with a business application consecutively sending database instructions to the source database before migrating, the business application consecutively sending database instructions to the target database after migrating, each entry in each table having a unique key, and the database instructions having action types. The Office Action cites several portions of Griffin as support for such an assertion.

Griffin teaches a logical data architecture for fetch-intensive database applications including a first copy of maintained data ReadDB 22 and a second copy of maintained data AdminDB 20. “The materialized views 24 of ReadDB 22 must be updated appropriately as updates 38 are made to the tables, or relations, 26 over which these views are defined. The processing 29 for the propagation to the relations in Read DB 22 of the updates made to the base tables in AdminDB 20 may involve incremental view maintenance, for example, the generation of incremental deltas.” See Griffin at col. 6, lines 52-58. As such, Griffin is entirely unrelated to the claimed techniques for migrating content.

Contrary to the Office Action’s assertion, Applicants submit that the cited portions of Griffin do **not** teach or suggest storing representations, for at least one entry in the source table, of the action type and of the unique key in a log table under the a condition that the action type

coincides with a predetermined action type. In fact, the Office Action has failed to identify an action type, a unique key, or a log table in the cited portions of Griffin. Additionally, Griffin does *not* teach storing representations, for at least one entry in the source table, of the action type and of the unique key in a log table *under a condition that the action type coincides with a predetermined action type*, because the cited portions of Griffin do *not* teach or suggest any conditions related to the generation of deltas. Rather, Griffin teaches that deltas are created each time an update is applied. "The materialized views 24 of ReadDB 22 must be updated appropriately as updates 28 are made to the tables, or relations, 26 over which these views are defined." See Griffin at col. 6, lines 52-54.

Moreover, Applicants submit that the cited portions of Griffin do *not* teach or suggest adjusting the entries in the target table that have keys represented in the log table according to the action type representation stored in the log table. For example, the Office Action has failed to identify any portion of Griffin that teaches or suggests a log table. As such, the Office Action fails to demonstrate that Claims 1, 10, 19, and 22 are anticipated.

Additionally, it has not been shown that Nowlin overcomes the deficiencies of Griffin. Rather, Nowlin is merely asserted for allegedly teaching "converting the coding of data from ASCII-code to Unicode. . . ." See the Office Action at page 6, line 23 through page 7, line 2. Thus, the Office Action has not shown that Nowlin teaches or suggest at least the features of storing representations, for at least one entry in the source table, of the action type and of the unique key in a log table under a condition that the action type coincides with a predetermined action type or adjusting the entries in the target table that have keys represented in the log table according to the action type representation stored in the log table. Consequently, Applicant respectfully submits that the Office Action has failed to establish *prima facie* obviousness.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. Inc. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). To establish *prima facie* obviousness, the Office Action has the burden of establishing that each and every feature recited in the claims is taught or suggested by the prior art (see *In re Royka*, 490 F.2d 981 (CCPA 1974))

as well as a teaching or suggestion to make the claimed combination (*see In re Vaack*, 947 F.2d 488 (Fed. Cir. 1991)).

Therefore, for at least the reasons explained above, Applicants respectfully submit that Claims 1, 10, 19, and 22 are not anticipated by Griffin. Consequently, Applicants respectfully submit that Claims 1, 10, 19, and 22 should be deemed allowable.

Claims 2-9 depend from Claim 1; Claims 11-18 depend from Claim 10; and Claims 20 and 21 depend from Claim 19. Consequently, Applicants respectfully submit that Claims 2-9, 11-18, and 20-21 should be deemed allowable for at least the same reasons Claims 1, 10, and 19 are allowable, as well as for the additional subject matter recited respectively therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby request a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

It is believed that no fee is due at this time. If this is incorrect, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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